

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
ZONING VARIANCE
N/S Willow Avenue, 300 ft. E
of C/I Roldrew Avenue
1702 Willow Avenue
9th Election District
4th Councilmanic District
Arthur Griffin, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Arthur Griffin and Carol L. Griffin, his wife for that property known as 1702 Willow Avenue in the Roldrew subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. side yard setback in lieu of the required 10 ft., for an addition, and to delete the variances granted with case No. 84-12-A. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. side yard setback, in lieu of the required 10 ft., for an addition, and to delete the variances granted with case No. 84-12-A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated September 16, 1993, attached hereto and made a part thereof.

LES:mmn

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 20, 1993

Mr. and Mrs. Arthur J. Griffin, Jr.
1702 Willow Avenue
Baltimore, Maryland 21204

RE: Petition for Administrative Variance
Case No. 93-457-A
Property: 1702 Willow Avenue

Dear Mr. and Mrs. Griffin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.



Petition for Administrative Variance
93-457-A
to the Zoning Commissioner of Baltimore County

for the property located at 1702 Willow Ave
which is presently zoned DR. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C.1. --- To permit a zero foot (0') side yard setback in lieu of 10 feet (10') and to delete the variances granted with case #84-12-A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) See, Appendix.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name, Address and phone number of representative to be contacted

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 19th day of October, 1993, that the subject matter of this petition be set for a public hearing, to be held on the 20th day of October, 1993, at 10:00 AM, in the Zoning Commission Hearing Room, 400 Washington Avenue, Towson, Maryland 21204.

REVIEWED BY: mmk DATE: 10/21/93
ESTIMATED POSTING DATE: 7/14/93
ITEM #: 466

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1702 Willow Ave
BALTIMORE MD 21204

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include variance or practical difficulty)

PRACTICAL DIFFICULTY
(i) and (ii) Strict compliance with requirement, or anything less than the requested 0' setback, would prevent the use of the proposed improvement form a livability standpoint as well as be financially impractical.
(iii) The proposed addition would allow us an additional bedroom upstairs; two additional children have been born since the house was built in 1983. The County owns, and I maintain, the parcel adjacent to the proposed addition. The lot is empty. The nearest house on that side is about 250' away.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: 93, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ARTHUR G. GRIFFIN JR. & CAROL LEE GRIFFIN
AS WITNESS my hand and Notarial Seal.
6-11-93
My Commission Expires: 7-1-97

EXAMPLE 3 - Zoning Description - 3 copies
93-457-A

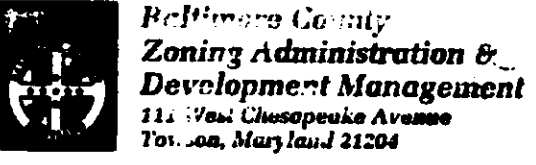
Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1702 Willow Avenue
Election District 9 Councilmanic District 4
Beginning at a point on the north side of Willow Ave (north, south, east or west) which is 30 ft. (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 302 ft. east of the (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street Roldrew Ave (name of street) which is 30 ft. wide. "Being Lot # n/n. Block n/n, Section # n/n in the subdivision of n/n as recorded in Baltimore County Book # 7-1, Folio # 33 containing 7,500 sq. ft. and/or 0.172 acres (square feet and acres)

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 4053, Folio 277" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.
Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Variance
Petitioner: Arthur J. Griffin, Jr. & Carol L. Griffin
Location of property: 1702 (46) Willow Ave, 300' E of Roldrew Ave
Location of Sign: Along Roldrew Ave. 300' E of Roldrew Ave
Remarks:
Posted by: [Signature] Date of return: 7/2/93
Number of Signs: [Signature]



Date: 6/23/93
Arthur Griffin - 1702 Willow Ave
010 - Variance - \$50.00
080 - Sign - \$35.00
Total - \$85.00

receipt

Account: R-001-6150
Number
Item # 466
Taken In By: mmk

93-457-A

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management

July 12, 1993

(410) 887-3353

Mr. and Mrs. Arthur J. Griffin, Jr.
1702 Willow Avenue
Baltimore, MD 21204

RE: Case No. 466, Item No. 93-457-A
Petitioner: Arthur J. Griffin, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Griffin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 28, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTO. CO.
Item No: * 466 (MTR)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 885-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 1, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 449, 451, 452, 463, 464, 465, 466, 469 and 472.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Keller*

PK/JL:lw

449, ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

July 19, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #466
Griffin Property, 1702 Willow Avenue
Zoning Advisory Committee Meeting of July 6, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Staff from Environmental Impact Review of this Department conducted a site inspection of the above-referenced property on July 13, 1993. This inspection revealed the following environmental resources:

1. Roland Run, a Use III stream, occurs within 80 feet of this property.
2. A 100-year flood plain and a State Designated Wetland Area are associated with Roland Run, directly adjacent to this property.
3. A forest Buffer Easement or Reservation of 100 feet must be applied from the edge of the stream bank.
4. A residential building setback of 25 feet from the outer edge of the Forest Buffer Easement or Reservation must also be applied.

Because of these restrictions, it is recommended that a Zoning Variance not be approved for this property.

JLP:GS:jbm

GRIFFIN/TXTSBB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: July 7, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 12, 1993 - Meeting

- #402 - Space shall comply with the 1991 Life Safety Code.
- #456 - No comments
- #462 - No comments
- #463 - Site shall not interfere with Baltimore County's 800 Megahertz Radio Capability.
- #464 - No comments
- #465 - No comments
- #466 - No comments
- #467 - No comments
- #468 - No comments
- #469 - No comments
- #470 - Building shall comply with the 1991 Life Safety Code.
- #471 - Did not receive plan.
- #472 - No comments.

RECEIVED
JUL 8 1993

ZADM

JLP:dal

cc: File

CPS-008

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



COPY

(410) 887-3353

JULY 1, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: ARTHUR AND CHLOE GRIFFIN
1702 WILLOW AVENUE
BALTIMORE MD 21204

Re: CASE NUMBER: 93-457-A (Item 466)
1702 Willow Avenue
N/S Willow Avenue, 300' E of c/I Holdren Avenue
9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3353. This notice also serves as a referee regarding the administrative process.

1) Your property will be posted on or before July 4, 1993. The closing date (July 19, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
ZADM

DATE: September 16, 1993

FROM: Mr. Steven L. Stewart, Program Supervisor
Environmental Impact Review - Western

SUBJECT: Arthur Griffin Property
1702 Willow Avenue
Zoning Petition #466
Zoning Petition Date: July 6, 1993

Mr. Griffin has agreed to install drywells designed for the first half inch of runoff from his roof tops as a mechanism to mitigate for water quality impacts as a result of his proposed addition. With the installation of these drywells, the requirements of the Department of Environmental Protection and Resource Management - Environmental Impact Review Section have been met and the zoning petition is supported.

SLS:mmm

cc: Mr Arthur Griffin

GRIFFIN/DEPRM/EIR

RECEIVED
SEP 17 1993
ZADM

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Memo to the file

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Administrative Var. 93-457-A

Following the closing date of July 19, 1993, I reviewed the file, including the ZAC comments. There is an adverse comment from DEPRM recommending denial of the variance due to a stream located not far from the property.

I attempted to contact Larry Pilson of DEPRM about this comment, but prior to being able to talk to him, I was contacted by the Petitioner, Arthur J. Griffin, Jr. He advised that he was aware of the comment and had been working with DEPRM to reach a satisfactory compromise. DEPRM has apparently made several suggestions as to mitigation efforts in the event the variance is approved. Therefore, I agreed to withhold a decision on this case until I heard further from the Petitioner, or from DEPRM directly, with the revised ZAC comments.

LES:mmm

Mr. Steven Stewart
Dept. of Environmental Protection & Resources
401 Looky Avenue Room 416
Towson, Md. 21204

I believe this is what Stewart wanted before DEPRM would sign off on my variance request. I suspect he will be contacting you shortly.

August Thanks for meeting w/me.
Art Griffin

Dear Mr. Stewart,

As we discussed in our telephone conversation from earlier this week, I met with a contractor to discuss the installation of drywells to capture rainwater run-off from our roof at 1702 Willow Avenue.

After receiving his estimate and discussion with my wife I have decided to proceed with the addition.

The contractor will be instructed to install drywells in conformance with the specifications of the land out you provided me.

You indicated that this notice, in writing, would suffice in order for you to review your comments to the Zoning Commission regarding my request/petition for an Administrative Variance.

Please contact me at (207) 967-0358 if you have any questions prior to taking my.

Sincerely,
Arthur J. Griffin, Jr.
Zoning Commissioner

C. Lawrence Schmidt
Wey Coast.

RECEIVED
AUG 25 1993
ZONING COMMISSIONER

